

**STATEMENT OF
COMMISSIONER MEREDITH ATTWELL BAKER**

Re: In the Matter of Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF, Notice of Proposed Rulemaking, ET Docket No. 10-235

This proceeding is the beginning of a process to evaluate the best means to modernize our spectrum rules for the TV bands. This should be a collaborative process, and we should not begin with preconceived end states or assumptions about particular future uses. Over-the-air broadcasters, mobile broadband providers, and other innovators need the opportunity to help craft rules that will serve the public interest and provide for a robust future for broadcasting and broadband. I believe strongly that we cannot lock in today's technology or business plan for any spectrum user whether it be broadcast or broadband. Central to that principle, we should always aim to provide a future path for innovation and investment, and I am hopeful we can achieve that proper balance in this proceeding. A path focused on future opportunity necessarily requires all stakeholders to demonstrate a willingness to question the status quo and work cooperatively.

We should start every discussion of the TV bands with the recognition that it has only been a year and five months since the full power broadcasters completed their transition to digital. Any successful transition of an additional portion of the TV bands to mobile broadband use should be a consensus-driven process. To facilitate it, we should encourage new technology and innovation in—and more broadly new thinking about—how broadcasters and broadband providers can co-exist.

This Notice takes a number of steps to optimize spectrum usage in the TV bands and provide broadcasters with greater flexibility in how spectrum is used, a hallmark of our modern spectrum policy across bands. To that end, I support the Commission's efforts to add allocations for fixed and mobile services in the UHF and VHF bands. Our overall flexible approach is also evident in the fact that the item does not specify a future band plan for recovered spectrum. I also support proposals to improve operating conditions in the VHF band. As we all know, there were real consequences for reception of VHF signals as a result of the DTV transition.

I accept that this item represents an initial step in updating our TV band rules. Significant and fundamental issues are deferred. In the future, there needs to be a fulsome discussion on additional innovative proposals to address sharing of broadband and broadcast in the TV bands, including the possibility of a broadcast transition from MPEG-2 to MPEG-4, the adoption of a more cellularized broadcast system, or a transition from ATSC to OFDM technologies. These are by no means the only potential approaches and may have their own weaknesses and strengths. And in all fairness, we also should ask additional questions about the future applicability of public interest obligations on broadcast licensees. If the TV bands are to shift towards a more flexible spectrum model, it is only right to ask whether those use restrictions should also be revisited.

We should also acknowledge we need to partner with—and have a good working relationship with—Congress to give us the tools potentially necessary to effectuate our policy decisions. In particular, I am hopeful Congress will soon provide the Commission with authority to conduct incentive auctions as well as other tools to manage spectrum more effectively. These tools can help the Commission offer win-win situations to incumbent and new users of spectrum. Importantly, these are not tools—nor an approach—that should be limited to the TV bands. Indeed, it is critical that we stress that this proceeding is part of a much broader overarching cross-government spectrum reform effort to ensure our nation's long-term competitiveness and a bright future for spectrum-hungry mobile broadband services.

As we fully consider the future of the TV bands, we should also work to avoid the mistakes of the past where the practical impact of allocations in one band had a ripple effect across other users or inhibited future efforts. In the TV bands, the challenges caused by wireless microphones are the most widely discussed, but the issues surrounding TV channel 51 warrant greater focus. Channel 51 is adjacent to the lower A block in 700 MHz. The presence of high-power broadcast operations in many communities may foreclose the opportunity to build out a broadband offering in 700 MHz. I appreciate that we seek comment on how best to avoid such situations, particularly as it relates to channel 37 and the uppermost channel dedicated to over-the-air broadcasting. If we view the TV bands and our spectrum policy more comprehensively, we can avoid some of these pitfalls going forward. We also cannot ignore the unintended consequences of our prior actions; we need to address existing impediments to investment like the channel 51 issue in an equitable and expedited manner.

I look forward to addressing all of these challenges with my fellow Commissioners. Many thanks to all the Staff who worked on this item.